

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

10-15

2/3/15

COUNTRY OF ORIGIN LABELING – AGRICULTURAL MARKETING SERVICE'S (AMS) FINAL RULE

I. PURPOSE

This notice is being issued to make inspection program personnel (IPP) aware of AMS' Country of Origin Labeling (COOL) final rule and the existing FSIS regulations. However, because these regulations only have application at retail, FSIS IPP will not be taking any action on enforcement of these rules other than to notify their supervisor if they have concerns. Any enforcement action will be directed through supervisory channels.

II. BACKGROUND

A. On March 20, 2009, FSIS published a final rule ([74 FR 11837](#)) to conform its regulations to the AMS interim final regulations on COOL. FSIS amended its regulations to require that a country of origin statement on the label of any meat or poultry product that is a "covered commodity" as defined in 7 CFR Part 65, Subpart A, that is to be sold by a "retailer," as defined in 7 CFR 65.240, must comply with the requirements in 7 CFR 65.300 and 65.400. FSIS also amended its regulations to provide generic approval of covered commodities that comply with the COOL regulations.

B. On May 23, 2013, AMS issued a final rule ([78 FR 31367](#)) to modify the labeling provisions for muscle cut commodities covered under the COOL program. The final requires the origin designations to include information about where each of the production steps (i.e., born, raised, slaughtered) occurred and removes the allowance for commingling of muscle cuts. The AMS final rule was effective on May 23, 2013. AMS has posted questions and answers regarding COOL at: <http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5103964>.

C. AMS is responsible for enforcing its COOL regulation. The inclusion of COOL information on labels at official establishments is voluntary; however, COOL statements on covered commodities are required at retail stores. The AMS COOL regulations provide a number of options for establishments to communicate COOL information to retailers. COOL statements on labels at federal establishments are not considered special statements or claims. Thus, the addition of a COOL statement to a label does not require approval by the Labeling and Program Delivery Staff.

D. AMS conducted an industry education and outreach program concerning the provisions and requirements of the rule. These activities have significantly aided the industry in transitioning to COOL declarations that conform to the new requirements. AMS has posted questions and answers on meat and poultry labeling at: <http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5105133>.

E. FSIS is working closely with AMS regarding issues surrounding COOL and will be posting additional information on its website.

DISTRIBUTION: Electronic

NOTICE EXPIRES: 2/1/16

OPI: OPPD

III. IPP RESPONSIBILITIES

IPP are not to do any verification activity under the PHIS General Labeling task to assess whether the label statements made under the COOL rules are truthful and not misleading. AMS will enforce the requirements of COOL labeling which is a rule that only requires labeling at retail. Thus, IPP are directed not to take any independent action to enforce the COOL final rule.

IV. QUESTIONS

A. If an establishment has questions concerning the AMS final rule, IPP are to provide the following AMS contact information: e-mail cool@ams.usda.gov, main office phone number (202) 720-4486, and access to the COOL website at <http://www.ams.usda.gov/AMSv1.0/cool>. IPP may also contact AMS directly regarding COOL labeling at the Email, phone number or website listed above.

B. Refer questions regarding this notice to the Labeling and Program Delivery Staff through [askFSIS](#) or by telephone at 1-800-233-3935. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field:	Enter Notice 10-15
Question Field:	Enter your question with as much detail as possible.
Product Field:	Select Labeling from the drop-down menu.
Category Field:	Select Labeling Regulations, Policies & Claims from the drop-down menu and then select " Special Claims ".
Policy Arena:	Select Domestic (U.S.) Only from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

NOTE: Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.



Assistant Administrator
Office of Policy and Program Development